COMMONWEALTH OF MASSACHUSETTS State Building Code Appeals Board Board's Ruling on Appeal¹

Docket No. 08-586

Appellant(s): Jean Jacques

VZ.

Appellee(s): City/Town of Fall River

Joseph Biszko

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 1010.0 Number of Exits of the Massachusetts State Building Code (MSBC) for 655 Mount Hope Avenue, Fall River, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seg.; and 780 CMR 122.3.4, the Board convened a public hearing on June 24, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Joseph Biszko of the Fall River building department was present as well.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1010.0 Number of Exits of the MSBC based upon the fact that the two units of the building that are subject of the appeal are partially below grade and have operable windows in the foundation wall which can function as emergency escape access. To provide a second means of egress for these units would be a significant financial hardship. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1010.0 Number of Exits is hereby granted and so ordered² on this date: June 24, 2008.

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¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.